

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERNEST FLAGG, as Next Friend
of JONATHAN BOND,

No. 05-74253

Plaintiff,

District Judge Gerald E. Rosen

v.

Magistrate Judge R. Steven Whalen

CITY OF DETROIT, et.al.,

Defendants.

_____/

NOTICE OF HEARING

The District Judge having entered an order pursuant to 28 U.S.C. 636(b)(1)(A) referring the following Motions to United States Magistrate Judge R. Steven Whalen for hearing and determination on the following motion:

1. Defendant Beatty's Motion to Compel (filed 8/6/08) [#129]

The motion is set for hearing on **THURSDAY, SEPTEMBER 11, 2008 @ 10:00 A.M.**, before the Magistrate Judge in courtroom 662, Theodore Levin U.S. Courthouse, Detroit, Michigan. Counsel may bring an appropriate order granting or denying the motion to the hearing.

A separate copy of any responsive pleadings shall be **sent directly** to Magistrate Judge Whalen's chambers at 673 U.S. Courthouse, Detroit, MI 48226.

SPECIAL REQUIREMENTS FOR DISCOVERY MOTIONS

If the motion addresses discovery issues, counsel shall comply with the following requirements:

A. Pursuant to E.D. Mich. Local Rule 37.1, counsel shall meet and confer on all presently pending discovery motions that have been referred to the Magistrate Judge. Because the Local Rule requires a good faith effort to narrow the areas of disagreement to the greatest possible extent, it is not satisfied by mere compliance with Local Rule 7.1, which requires the moving party to seek concurrence in a motion. Accordingly, the parties are directed to meet and confer **face-to-face** in advance of the hearing. The face-to-face requirement is not satisfied by a telephonic conference, unless exceptional circumstances exist which make a face-to-face conference not feasible. In that case, prior to holding a telephonic conference, the moving party will submit a written statement to the Magistrate Judge explaining why a telephonic conference is necessary.

B. The L.R. 37.1 conference shall include an item-by-item discussion of each issue in dispute. Any party refusing to appear for this meeting or to confer as the Court has directed will be subject to sanctions.

C. No later than **September 8, 2008** the movant must notify the Magistrate Judge of the results of the conference in writing. If the disputed issues have all been resolved, the parties shall submit to the Magistrate Judge a stipulation and proposed order disposing of the motion.

If unresolved issues remain, the parties shall file a Joint List of Unresolved Issues no later than **September 10, 2008**. The Joint List of Unresolved Issues must be filed electronically.

The Joint List of Unresolved Issues shall enumerate and state, in a succinct fashion, the respective positions of each party on every issue which remains in dispute. The Joint List shall not exceed ten (10) pages. No exhibits or attachments shall be filed with the Joint List. The Joint List of Unresolved Issues must be signed by all parties to the dispute, or their attorneys.

S/G. Wilson
Gina Wilson
Judicial Assistant

Dated: September 4, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing NOTICE OF HEARING was served on the attorneys and/or parties of record by electronic means or U.S. Mail on September 4, 2008.

S/G. Wilson
Judicial Assistant